

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
STATE OF GEORGIA,  
Defendants.  
-----

) CIVIL ACTION  
) NO. 1:16-cv-03088-ELR  
)  
)  
)  
)  
)  
)  
)

30(b)(6) VIDEOTAPE DEPOSITION OF  
GEORGIA DEPARTMENT OF EDUCATION  
Through Its Representative  
RUSK ROAM, JR.

Monday, March 6, 2023 11:42 a.m., EST

HELD AT:

GaDOE  
205 Jesse Hill Jr Drive, S.E.  
Atlanta, Georgia 30334

-----  
WANDA L. ROBINSON, CRR, CCR, No. B-1973  
Certified Shorthand Reporter/Notary Public

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

2

APPEARANCES OF COUNSEL

Appearing on Behalf of the Plaintiff:

CLAIRE CHEVRIER, ESQUIRE  
U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20579  
T: 202.305.6630 F: 202.305.3488  
E-mail: Claire.Chevrier@usdoj.gov

Appearing on Behalf of the Defendant and the  
Witness:

MELANIE JOHNSON, ESQUIRE  
Robbins Alloy Belinfante Littlefield LLC  
500 14th Street, N.W.  
Atlanta, Georgia 30318  
T: 404.856.3261  
E-mail: mjohnson@robbinsfirm.com

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

3

1 ALSO PRESENT VIA ZOOM:

2 U.S. Attorney's Office:

3 KELLY GARDNER, ESQUIRE

4 SANDRA LeVERT, ESQUIRE

5 LAURA CASSIDY-TAYLOE, ESQUIRE

6 VICTORIA LILL, ESQUIRE

7 JESSICA POLANSKY, ESQUIRE

8  
9 Robbins Law Firm:

10 DANIELLE HERNANDEZ, ESQUIRE

11  
12  
13 ALSO PRESENT:

14 STACEY SUBER-DRAKE, ESQUIRE  
15 Georgia Department of Education

16 PATRICK MURPHY, Videographer  
17  
18  
19  
20  
21  
22  
23  
24  
25

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

4

## INDEX OF EXAMINATIONS

RUSK ROAM, JR. 30(b)(6)

By Ms. Chevrier

Page 6

## INDEX OF EXHIBITS (Previously Marked)

## PLAINTIFF'S

NO.	DESCRIPTION	PAGE
Exhibit 965	Notice of 30 (b)(6) Deposition	12
Exhibit 966	Defendant's Objections and Responses To Plaintiff's First Requests For Admission	64
Exhibit 601	Georgia Department of Audits and Accounts - Performance Audit 09-21 October 2010 US0005211 - US0005252	85

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

5

1 THE VIDEOGRAPHER: We're now on the  
2 record.

3 Today is Monday, March 6, 2023, and the  
4 time is 11:42 a.m. Eastern Time.

5 This begins the videoconference deposition  
6 of 30(b)(6) witness Rusk Roam, taken in the  
7 matter of United States of America versus State  
8 of Georgia, Case No. 1:16-cv-03088-ELR, pending  
9 in the United States District Court for the  
10 Northern District of Georgia.

11 My name is Patrick Murray. I'm the remote  
12 videographer today, and our remote court  
13 reporter is Wanda Robinson. We both represent  
14 Esquire Deposition Solutions.

15 If counsel could please introduce  
16 themselves and their colleagues, and then our  
17 court reporter will swear in the witness.

18 MS. CHEVRIER: Hello. My name is Claire  
19 Chevrier for the United States. I am virtually  
20 here with my colleagues Laura Tayloe, Kelly  
21 Gardner, Victoria Lill, Allison Ewers, and  
22 Sandra LeVert.

23 MS. JOHNSON: For the State of Georgia,  
24 attending virtually with my co-counsel Danielle  
25 Hernandez, and Stacey Suber-Drake is in the

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

6

1 room as well. She's the Department of  
2 Education corporate representative.

3 - - - - -

4 RUSK ROAM, JR. 30(b)(6),  
5 being duly sworn, was examined and testified as  
6 follows:

7 - - - - -

8 BY MS. CHEVRIER:

9 Q Good morning. I'd like to introduce  
10 myself. My name is Claire Chevrier. I am a trial  
11 attorney in the Educational Opportunity Section of  
12 the Civil Rights Division of the United States  
13 Department of Justice, and I represent the United  
14 States in this lawsuit and will be taking your  
15 deposition today.

16 Can you please state and spell your name  
17 for the record.

18 A It's Rusk, R-U-S-K, Winfield,  
19 W-I-N-F-I-E-L-D, Roam, R-O-A-M, Jr.

20 Q So I'm sure your attorney has explained  
21 most of this to you, but we're basically going to  
22 have a conversation today. I'm going to ask you  
23 questions and it's your job to answer those  
24 questions honestly and completely. Okay?

25 A All right.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

7

1 Q And you were just sworn to tell the truth  
2 by the court reporter. It is the same oath that you  
3 would take if you were testifying in a court of law  
4 and puts you under the same obligation to tell the  
5 truth that you would be under in court.

6 Do you understand?

7 A Yes.

8 Q My questions and your answers will be  
9 recorded by the court reporter, and please  
10 understand that you will need to speak clearly and  
11 answer all of your questions orally so the court  
12 reporter can capture your answer accurately. For  
13 example, she won't be able to record a nod or a head  
14 shake. Okay?

15 A Yes. I understand.

16 Q And if at any time the computer freezes or  
17 there's a lag, please feel free to let us know, and  
18 especially please let us know if it's affecting your  
19 ability to answer any questions or to hear any  
20 questions. Okay?

21 A Okay. Will do.

22 Q The other thing you and I will need to do  
23 is to try to avoid talking over one another, which I  
24 recognize is more difficult because we're doing this  
25 virtually. I will do my best to never interrupt you

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

8

1 when you are answering, and I will ask you do your  
2 best to let me finish my questions before starting  
3 to answer. Okay?

4 A Okay.

5 Q And at any point if you do not understand  
6 a question, you should feel free to stop me and say  
7 so, and then I will try to clarify the question.  
8 Okay?

9 A Okay.

10 Q Note that your attorney may occasionally  
11 object to my questions. This is to put their  
12 objection and issue on the record. It does not mean  
13 that you shouldn't answer the question. So unless  
14 counsel tells you not to answer, you should go ahead  
15 and do so.

16 Do you understand?

17 A I understand.

18 Q If you want to take a break for any  
19 reason, that's totally fine. I just ask that if  
20 there's a question pending or if you're in the  
21 middle of an answer, that you finish answering  
22 before taking the break. Does that make sense?

23 A Yes.

24 Q Sometimes it happens that you will give an  
25 answer as completely as you can and then maybe later



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

9

1 on, maybe five minutes, or maybe an hour later,  
2 you'll remember some additional information in  
3 response to that earlier question. If that happens,  
4 please tell us that you would like to add something  
5 to what you said earlier, and you can do that. Just  
6 let us know. Okay?

7 A Okay.

8 Q How are you feeling today?

9 A I'm good. I guess I'm a little nervous.  
10 Never done this before, so.

11 Q Is there any reason why you would not be  
12 able to answer my questions fully and truthfully  
13 today?

14 A No reason.

15 Q For example, are you taking any medication  
16 today that would inhibit your ability to answer any  
17 questions?

18 A No medication.

19 Q Good. Do you have any questions for me  
20 before we proceed?

21 A Nope. I'm ready.

22 Q There are a few definitions and acronyms  
23 I'd like to go over to confirm that we have the same  
24 understand today. Okay?

25 A Okay.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

10

1 Q When I refer to "GaDOE," do you understand  
2 that I mean the Georgia Department of Education?

3 A Yes.

4 Q When I say "GNETS" or "GNETS Program," you  
5 understand that I mean the Georgia Network for  
6 Educational and Therapeutic Support?

7 A Yes.

8 Q When I say "Regional GNETS Program," do  
9 you understand that I mean one of the 24 regional  
10 GNETS programs across the State of Georgia?

11 A Yes.

12 Q And when I say "the State," do you  
13 understand I mean the State of Georgia?

14 A Yes.

15 Q When I say "State BOE," do you understand  
16 I mean State Board of Education?

17 A Yes.

18 Q When I say "OPB," do you understand that I  
19 mean Georgia's Office of Planning and Budgets?

20 A Yes.

21 Q When I say House B&R, do you understand I  
22 mean Georgia's House Budget and Research Office?

23 A Yes.

24 Q When any say Senate B&E, do you understand  
25 I mean Georgia Senate Budget and Evaluation Office?

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

11

1 A Yes.

2 Q When I say "FAPE," do you understand I  
3 mean Free Appropriate Public Education?

4 A Yes.

5 Q When I say "FTE," do you understand that I  
6 mean Full Time Equivalent?

7 A Yes.

8 Q When I say "GLRS," do you understand that  
9 I mean the Georgia Learning Resources System?

10 A Yes.

11 Q When I say "LEA," do you understand I mean  
12 Local Education Agency?

13 A Yes.

14 Q When I see "RESA," do you understand that  
15 I mean the Regional Education Service Agencies?

16 A Yes.

17 Q When I see "IDEA," do you understand I  
18 mean Individuals with Disabilities Education Act?

19 A Yes.

20 Q When I say "RFA," do you understand that I  
21 mean Requests For Admissions?

22 A Yes.

23 Q And to make sure we're on the same page  
24 definitionally, Requests For Admissions are a  
25 discovery device that allows one party to request

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

12

1 another party admit or deny the truth of a  
2 statement. Correct?

3 A Okay, yes.

4 Q And when I say "QBE," do you understand  
5 that to mean Quality Basic Education?

6 A Yes.

7 Q Excellent.

8 I'm about to show you what is being mark  
9 as Plaintiff's Exhibit -- what was previously marked  
10 as Plaintiff's Exhibit 965.

11 (WHEREUPON, Plaintiff's Exhibit-965 was  
12 previously marked for identification.)

13 BY MS. CHEVRIER:

14 Q It's going to show up virtually.

15 MS. CHEVRIER: Let's go off the record for  
16 a moment.

17 THE VIDEOGRAPHER: Okay. We're still on  
18 the record.

19 MS. CHEVRIER: Okay. One minute then.

20 Scratch that. We can remain on the record.

21 BY MS. CHEVRIER:

22 Q Mr. Roam, do you see the document that  
23 just popped up?

24 A Yes, I do.

25 Q And you should have control over scrolling

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

13

1 through that document.

2 A Yes, I do.

3 MS. CHEVRIER: Sorry, this is not the  
4 correct document. We are looking for  
5 Plaintiff's Exhibit 965, which is the  
6 deposition notice.

7 (Pause.)

8 MS. CHEVRIER: Excellent. This is the  
9 correct document. Thank you for your patience.

10 BY MS. CHEVRIER:

11 Q This is the deposition notice that was  
12 filed with the court that states that the United  
13 States served a 30(b)(6) deposition notice on March  
14 1st, 2023, for testimony related to the items  
15 included in Attachment A.

16 Have you seen this 30(b)(6) deposition  
17 notice before?

18 A Yes.

19 Q When did you see it?

20 A Um, I believe I saw -- the exact date but  
21 it was whenever I met with Stacey and Melanie. Was  
22 that last, last Wednesday, I believe. I think it  
23 was last Wednesday.

24 Q Who showed you this document?

25 A I believe it was Melanie.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

14

1 Q Was it your understanding you are present  
2 today to provide testimony in response to topics  
3 listed on the 30(b)(6) deposition notice as a  
4 Attachment A, specifically Topics 1, 2, 3, 9, and  
5 12?

6 A Yes.

7 Q I can give you a moment to scroll through.

8 You can see at the end of this document  
9 that Attachment A is attached and it specifies what  
10 those Topics 1, 2, 3, 9, and 12 are.

11 A 1, 2, 3, 9, and 12. Yes. Yes.

12 Q Excellent.

13 What is the basis for your knowledge of  
14 these topic areas?

15 A Um, these -- I'm the chief financial  
16 officer for the Department of Education, so the  
17 funding associated with these topics, which is IDEA  
18 and GNETS, flows through my shop. I work with -- I  
19 have budget personnel that work on the formulas  
20 specifically related to these programs.

21 I think with Item 12, I do have -- I meet  
22 with the House Budget Office, the Senate Budget  
23 Office, and the OPB, Governor's Office regularly as  
24 the CFO on all financial matters.

25 That's my role.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

15

1 Q For the record, again, can you state what  
2 your role is at the State?

3 A I'm the deputy superintendent of finance  
4 and the chief financial officer.

5 Q And what are your roles -- what are your  
6 responsibilities for this role?

7 A I am over the -- I'm over the state  
8 budget, state and federal budgets. I'm over the  
9 facilities for the Department of Education. I'm  
10 over the School Nutrition Department. I'm over the  
11 Financial Review Department, which assists districts  
12 with financial reporting.

13 I'm over the Human Resources Division of  
14 the Georgia Department of Education. And I'm over  
15 Internal Support and Accounting for the Department  
16 of Education, responsible for reporting of all our  
17 financial information.

18 Q How long have you held this role?

19 A I became interim chief financial officer  
20 in February of 2020 and made permanent in May of  
21 2020.

22 Q And who do you report to?

23 A I report to Matt Jones, the chief of  
24 staff, and Superintendent Woods.

25 Q And who reports to you?

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

16

1           A       I got Human Resources director Arveeta  
2 Turner, school nutrition director Lynette Dodson,  
3 facilities director Mike Sanders, accounting  
4 director Pam Hastings, the financial review director  
5 Amy Rowell, the contracts attorney Debbie Schindler,  
6 and our procurement officer -- procurement officer.  
7 Uh -- she's been here forever. I'll remember it in  
8 a minute. I went blank. Our procurement officer.

9           Q       And are they all direct reports?

10          A       Yes, all those I named are direct reports,  
11 and anybody that rolls up under them.

12          Q       Anybody who rolls up under them, would  
13 they be considered indirect reports?

14          A       Yes.

15          Q       How does your current role relate to the  
16 questions -- questions and topics that you are here  
17 to provide testimony about today?

18          A       An oversight role. I don't technically do  
19 the calculations. However, the person who's  
20 responsible for doing the calculations are multiple  
21 folks that do report to me. With regard to GNETS it  
22 would be indirect reports who actually perform these  
23 calculations.

24          Q       And when you mentioned calculations, do  
25 you mean related to the budget?



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

17

1 A Yes.

2 Q And did you receive any information from  
3 anyone other than counsel that you will be relying  
4 on to respond to these question topics today?

5 A Georgia Department of Education staff.

6 Q And who at the Georgia Department of  
7 Education did you receive information from?

8 A I talked with our budget director Jon  
9 Cooper, our assistant budget director Geronald Bell,  
10 our Federal Programs budget -- I don't know what her  
11 exact title is -- budget manager Carmen  
12 Fryemeier-Hernandez. And I talked to briefly the  
13 deputy and superintendent of Federal Programs, Shaun  
14 --

15 Q Is that Shaun Owens?

16 A Yes, ma'am, Shaun Owens.  
17 And that is it.

18 Q And what was the nature of these  
19 conversations?

20 A With Shaun it was kind of just  
21 understanding -- I was trying to get how the, how  
22 the GNETS program staff, how their grants are  
23 administered from the program side.

24 With Jon and Geronald and Carmen it was  
25 going through the spreadsheets and the calculations

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

18

1 for GNETS and IDEA.

2 Q Did you discuss this litigation with any  
3 of those individuals?

4 A No, not all -- I mean we discussed I was  
5 doing it for the deposition, yes. Not the specifics  
6 of the litigation.

7 Q What is your highest level of education?

8 A I have a bachelor's degree in accounting.

9 Q And where is your degree from?

10 A State University of West Georgia.

11 Q And in what year did you graduate?

12 A 2002.

13 Q And how does your education background  
14 relate to your current role?

15 A Um, I majored in accounting, and so when I  
16 got out of college I went to work for the Department  
17 of Audits for a couple of years, and then The State  
18 Accounting Office, and then I came to the Department  
19 of Education in 2006 as -- and I worked strictly in  
20 the Accounting Department until being promoted.

21 I was actually associate superintendent of  
22 finance first, and now CFO.

23 Q How does your education background relate  
24 to the question topics you are here to testify about  
25 today?

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

19

1           A       I think my education with the accounting  
2 side helps me to be able to discuss some of the  
3 formula calculations for the GNETS program, and also  
4 with some of the budget questions around it, that  
5 will assist me.

6           Q       What is the GNETS Program?

7           A       What is the GNETS Program? The GNETS  
8 Program -- caught me off guard.

9                   But the GNETS Program, in my mind, is a  
10 program for students who have been determined with  
11 severe emotional/behavior disorders; that it's a  
12 program to, my understanding, is to -- where they're  
13 taken out of the school temporarily to get the  
14 supports that they need to go back into a school  
15 environment and be able to learn with their peers.

16                   Is that --

17           Q       And -- you mentioned previously --

18           A       I'm finance, so.

19           Q       Thank you.

20                   You mentioned previously that you were in  
21 the Audits Department. What years were you in the  
22 Audits Department?

23           A       I worked at the Department of Audits from  
24 2002 to 2004.

25           Q       Thank you.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
20

1 Have you read any court filings in  
2 connection with this lawsuit?

3 A No, I don't believe so. I got a brief  
4 overview from our general counsel, Stacey  
5 Suber-Drake.

6 Q And what did that overview entail?

7 A Um, it was --

8 MS. JOHNSON: The overview you're  
9 referring to came from me within the last week  
10 or so, that that would constitute privilege.

11 But if you're talking about a different  
12 overview, then you may proceed with answering.

13 A The overview I'm talking -- it's not a  
14 real detail overview. It just basically was trying  
15 to locate -- we're not appropriated for legal fees.  
16 So in order to request these fees from the budget  
17 writers, I had to provide them with a short verbiage  
18 of what the lawsuits entailed, and that's what I  
19 mean by a briefing.

20 Q Am I correct that you are being  
21 represented by Melanie Johnson from the Robbins Firm  
22 for this deposition today?

23 A Yes.

24 Q And I know you've mentioned a number of  
25 people from GaDOE and your attorney. Did you talk

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

21

1 with anyone else to prepare for this deposition  
2 today?

3 A I told my wife I was being deposed.

4 Q And you mentioned previously that you met  
5 with -- that you met with Stacey Suber-Drake and  
6 Melanie Johnson. When did that meeting take place?

7 A My days -- I believe it was last  
8 Wednesday.

9 Q And was that in person or on the phone?

10 A Virtually.

11 Q And who -- I'm sorry. Go ahead.

12 A It was on a -- I was going to say Teams  
13 meeting, but it wasn't. It was actually like a  
14 phone call, call-in.

15 Q With visual or on the phone?

16 A On the phone.

17 Q And who was present?

18 A Myself, Stacey Suber-Drake, Melanie  
19 Johnson, and Tiffany Taylor, Nicholas Handville, and  
20 Justin Hill.

21 Q And how long did you meet?

22 A I believe it was about an hour.

23 Q Did you read any deposition transcripts in  
24 this litigation prior to joining today?

25 A No, ma'am.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
22

1 Q And apart from the documents shown to you  
2 by counsel, including the notice, which is still up,  
3 did you look at any documents to prepare for today's  
4 deposition?

5 A Yes. I looked at the formula calculations  
6 and summaries of the process, the procedures.

7 Q And did you bring any documents with you  
8 today?

9 A No, ma'am.

10 Q And did you do anything else to prepare  
11 for this deposition?

12 A No.

13 Q And I believe you answered this already,  
14 but have you ever been deposed before?

15 A No. This is my first time.

16 Q And have you ever been a plaintiff in a  
17 lawsuit?

18 A I'm divorced, so I was -- I actually filed  
19 as the plaintiff in the divorce.

20 Q Separate from divorce proceedings, have  
21 you ever been a plaintiff in a lawsuit?

22 A No.

23 Q Have you ever been a defendant in a  
24 lawsuit?

25 A Outside of divorce or --

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
23

1 Q Outside a divorce proceeding.

2 A Well, child -- child support count as  
3 divorcer?

4 Q Anything outside --

5 A -- other than defendant in that, too.  
6 that's it. Outside of that, no.

7 Q What is a funding formula?

8 A Funding formula, I would define that as a  
9 formula that we utilize to, to disseminate the  
10 funding that is appropriated or granted from federal  
11 funds to our local districts for their fiscal  
12 agents.

13 Q What is the significance of the funding  
14 formula in the context of GNETS?

15 MS. ROSS: Object to form.

16 MS. CHEVRIER: I'm sorry, Melanie. I did  
17 not hear if you just spoke.

18 MS. JOHNSON: I said object to form, but  
19 you can answer.

20 A Okay. When you said -- I guess can I get  
21 some clarification on significance? You want to  
22 know how it works or --

23 Q Sure. Can you tell me how it works with  
24 any formula in the context of GNETS?

25 A Okay, yeah. The funding formula for GNETS

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

24

1 is -- it's a formula similar to QBE, where we --  
2 basically, based on -- it's a little different from  
3 FTEs because it's based on student counts. But this  
4 is how we -- there is a formula -- they earn funding  
5 based on however many students are in the GNETS  
6 Program. For direct operational costs, such as a  
7 teacher, parapro, operational classroom  
8 expenditures, and then indirect, such as a  
9 psychologists, social workers, travel, and then also  
10 they would earn State Health Benefit Plan in T&E,  
11 which is training and experience.

12 All these factors are ratios based on the  
13 student counts that a district or RESA will earn for  
14 the GNETS Program.

15 Q Is the GNETS funding formula updated at  
16 regular intervals?

17 A Yes. So each -- the funding formula each  
18 year is updated. As I said, with GNETS, which is a  
19 little different than our QBE formulas, they utilize  
20 student counts as opposed to FTEs, and these student  
21 counts are a 3-year weighted average with a little  
22 more priority given to the most recent year, and  
23 these counts each year when the new appropriation --  
24 when we're going through the new appropriation  
25 process we will update them based on last school



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

25

1 year. Because these counts are taken at the end of  
2 the school year, around the May time frame.

3 Q Are there any updates to the formula  
4 itself separate from the count data that's used?

5 A Outside of the student counts, there could  
6 be in the discretionary portion of the federal  
7 funds, and there could be updates -- not to the  
8 actual formulas itself, but there could be updates  
9 based on T&E. You know, the teachers may get more  
10 experience, state health. There will be changes  
11 with the formula for the -- potentially if in '24 it  
12 passes, that the State health insurance will go from  
13 945 to 1,580.

14 Those kind of -- some of the -- I guess  
15 the contributing factors can change. The formula  
16 itself shouldn't change.

17 Q For the record, what does T&E stand for?

18 A Training and experience.

19 Q And you said that the -- it could change.  
20 In the past has it changed to reflect some of the  
21 points that you just made?

22 A The formula, yes. The formula will change  
23 as the attributes, is a better word, attributes  
24 change.

25 So, for example, it's changed in recent

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
26

1 years with the Governor's increase to the teacher's  
2 salary. I believe it was like 34,097 to the latest  
3 was -- is it 39? Say it's a little over 39,000 now.

4 But each iteration of the teacher -- when  
5 he changed the salary scale, we updated the formula  
6 for the teacher earnings to reflect that. And so  
7 those attributes could change -- have changed in the  
8 last few years.

9 Along with the student counts. There's  
10 been enrollment decline in the GNETS Program. So  
11 there have been -- and with that there's less taken  
12 out of the discretionary pot of, of IDEA.

13 Q So are changes to each of the attributes  
14 what prompt the changes to the funding formula  
15 calculation?

16 A Yes, they would change the amounts that  
17 they earn.

18 Q And is the funding formula reviewed for  
19 update at regular intervals?

20 A I think the -- well, the funding formula  
21 is calculated -- so we calculate much like our QBE  
22 formula, we do our calculation, the House Budget  
23 Office does their calculation, the Senate Budget  
24 Office does their calculation, and the OPB does  
25 their calculation, and then we all compare to make

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
27

1 sure we're all on the same page before, before we  
2 start session.

3 Q When the GNETS funding formula is updated,  
4 what effects of the funding formula might be  
5 updated? Is it just the attributes that you've  
6 already shared?

7 A Yes.

8 Q And you referred previously to a pot that  
9 you referenced as IDEA money. What is the  
10 discretionary pot of IDEA money that you referenced?

11 A So basically our IDEA funding comes in in  
12 three parts: There's an administrative part,  
13 discretionary, or state initiatives, referred to as  
14 that pot; and then the formula piece is up to  
15 districts.

16 And this is all detailed in our grant  
17 award letter, the amount we can take up to. And so  
18 we have a discretionary pot that allows us to, for  
19 our state run programs, such as GLRS, GNETS, Mentor  
20 is one I've seen in there, and then other state  
21 initiatives, it allows the State to utilize these  
22 funds for those purposes.

23 Now, we don't typically utilize all of our  
24 discretionary funds, and if we do not, we send that  
25 out as part of the formula. So the formula can be

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
28

1 -- the discretionary pot has an up to amount. We  
2 don't exceed that, but we don't have to spend  
3 exactly that amount on discretionary.

4 Q What happens with that pot of money if  
5 it's not spent discretionarily?

6 A It's sent out to districts in the formula.  
7 We increase the formula portion of the grant.

8 Q So is it fair to say that the State has  
9 the authority to decide how to spend the IDEA  
10 discretionary funds?

11 A I'm sorry. Can you repeat that?

12 Q Sure. Is it correct to say that the State  
13 has the authority to decide how to spend IDEA  
14 discretionary funds?

15 MS. JOHNSON: Object to the form.

16 You can answer.

17 A I would say to the -- the State has to  
18 submit an application to US Ed, and in this  
19 application I believe it details out how we will  
20 spend those discretionary funds. So yes and no. It  
21 has to be approved.

22 Q Sure. So I just want to make sure I  
23 understand this process.

24 The State has to fill out forms to  
25 indicate how it will spend IDEA discretionary funds;

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

29

1 is that correct?

2 A That's my understanding, yes.

3 Q Does it then receive approval or denial  
4 based upon that request?

5 A I'm not aware of any denials. I do not  
6 take part in the application process.

7 Q You just said you're unaware of any  
8 denials. So I'm trying to understand, you know, is  
9 it a request that has to be approved, or do you just  
10 have to let someone know how it's going to be spent?

11 A We submit an application to U.S. Ed on how  
12 IDEA is going to be spent in the State of Georgia,  
13 which then they award us. In that application we  
14 would detail out how we would use some of these  
15 discretionary funds.

16 Q Is the State of Georgia then tied to how  
17 it said it would use discretionary funds once the  
18 money is awarded?

19 MS. JOHNSON: Object to form.

20 A I think we're tied to the amount that they  
21 gave us for that -- for those programs.

22 Q Okay. so --

23 A We can move it to admin.

24 Q So once the State of Georgia receives IDEA  
25 money, does it then have the authority to choose how

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

30

1 to spend the discretionary funds?

2 MS. JOHNSON: Object to form.

3 THE COURT REPORTER: Melanie, I can't hear  
4 you.

5 Let's go off the record.

6 THE VIDEOGRAPHER: Hearing no objection,  
7 we'll go off the record now.

8 It's 12:15 p.m.

9 (A recess was taken.)

10 THE VIDEOGRAPHER: We are back on record,  
11 12:17 p.m.

12 Please proceed.

13 BY MS. CHEVRIER:

14 Q Thank you, Mr. Roam.

15 Before we went off the record we were  
16 talking about the IDEA funding that the State of  
17 Georgia receives, correct?

18 A Yes.

19 Q And so I'm trying to understand the extent  
20 to which the State of Georgia has the authority to  
21 choose how to spend IDEA funding. You mentioned  
22 that there's a form that the State of Georgia  
23 submits to the U.S. Department of Education,  
24 correct?

25 A Yes. An application, yes.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

31

1 Q And once it submits that application, the  
2 U.S. Department of Education decides whether to  
3 provide the IDEA money to the State of Georgia.  
4 Correct?

5 A Yes.

6 Q And once that money is received by the  
7 State of Georgia, does the State of Georgia have the  
8 authority to choose how to spend that -- those  
9 funds?

10 A The State of Georgia has the ability  
11 within the grant award. The grant award letters  
12 that we receive will detail out what we can and  
13 cannot do with those funds.

14 Q And I'm trying to understand what level of  
15 detail those grant awards might include. Does it  
16 just specify that the funds must be provided for  
17 students with learning -- with special education or  
18 students with disabilities?

19 A I --

20 MS. JOHNSON: Object to form.

21 You can answer.

22 A I have to pull the specifics for that  
23 grant award. I have not reviewed that grant award  
24 letter, but it differs across our many Federal  
25 Programs. Some can be very specific and some can be

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

32

1 less specific. But I believe we do have the ability  
2 and we do adjust those discretionary pots up and  
3 down, but there's also compliance supplementals, and  
4 those type of things, that may get, get in there,  
5 such as you don't want to get caught supplanting or  
6 doing something else that you're not supposed to.  
7 So I mean if you're providing a certain level of  
8 federal funds in one year, you need to keep that  
9 level.

10 That's why the amount does adjust with  
11 enrollment, but it doesn't give a lot of flexibility  
12 for -- we wouldn't be able to just go in there and  
13 not fund GNETS out of federal IDEA funds,  
14 discretionary pot.

15 Q You mentioned that GaDOE is able to adjust  
16 up and down the discretionary pot. What did you  
17 mean by that?

18 A I don't believe we're held to exactly like  
19 7 million, a specific number for GNETS, versus GRLS  
20 versus one of our other state initiatives. We can  
21 -- we do have ability to adjust those amounts if the  
22 leadership decides that's what they want to do.  
23 However, we have to be careful when we do that, that  
24 we don't violate any other federal compliance rules  
25 or federal spending guidelines or that nature.



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
33

1 Q Sure. You mentioned supplementing rather  
2 than supplanting guidance. Outside of general  
3 requirements, is the State of Georgia able to  
4 determine I want to fund this versus this, as long  
5 as it's within specified guidelines?

6 MS. JOHNSON: Object to form.

7 You can answer.

8 A I'm going to think of how -- outside of  
9 the supplementing, supplanting, I believe there is  
10 flexibility, however I do not know how far that  
11 flexibility goes.

12 Q I understand you can't share how far that  
13 flexibility goes. Can you give an example of  
14 flexibility to the extent you do understand it?

15 A Yes. I believe if we were to be awarded  
16 money -- I guess if we were to get a very  
17 substantial increase in IDEA funds next year, would  
18 that -- and I don't think that proportion amount  
19 would go right into GNETS. I think GNETS would  
20 still be calculated based on enrollment and based on  
21 earnings, and those funds in the discretionary pot  
22 would probably be used in another -- another  
23 initiative.

24 Q And the State of Georgia would have the  
25 authority to determine whether or not those

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

34

1 additional funds went to GNETS versus went to some  
2 other initiative?

3 A Yes, that's my understanding.

4 Q And earlier you said if that's what  
5 leadership wants to do. Who is leadership in that  
6 context?

7 A I guess when I say leadership, I mean the  
8 Federal Programs IDEA deputy, you know. That's  
9 their area.

10 Q So is that -- Shaun's?

11 A Shaun's -- yes, Shaun Owens.

12 Q Would the State be eligible for the same  
13 amount of IDEA funding if it went to LEAs and RESAs  
14 directly for services for students with EBD?

15 MS. JOHNSON: Object to form.

16 You can answer.

17 A You said eligible for?

18 Q Yes.

19 A Yes.

20 Q Since January 1st, 2022, has GaDOE or the  
21 State Board of Education provided any funding  
22 formula updates related to the GNETS Program?

23 A No. Well, let me rephrase.

24 We updated the current, for the different  
25 fiscal years that we're doing the budget, but we

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

35

1 haven't -- we haven't done anything changing it, the  
2 current formula. We have just updated the numbers  
3 --

4 Q Okay. So the numbers get punched into the  
5 budget have been updated but -- sorry. The numbers  
6 that get inputted into the formula have been updated  
7 but the formula itself has not been updated; is that  
8 accurate?

9 A Correct, yes.

10 Q Since January 1st, 2022, has GaDOE  
11 received any funding formula updates from OPB?

12 A No.

13 Q What about from the B&R Office?

14 A Oh, the -- no. We have not received any  
15 from any of the budget writers, any changes to the  
16 funding formulas for GNETS.

17 Q So that would also include the Senate B&E  
18 Office?

19 A Yes.

20 Q Thank you.

21 Does GaDOE or the State Board of Education  
22 anticipate providing any funding formula updates  
23 related to the GNETS program during the remainder of  
24 this calendar year?

25 A No.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

36

1 Q I'm going to ask you a few questions about  
2 how regional GNETS programs funding levels are  
3 calculated.

4 Are you familiar with the federal and  
5 state components of funding for GNETS?

6 A Yes.

7 Q Is it fair to say that the state funds and  
8 federal funds are each part of the appropriations  
9 for GNETS in annual state appropriation bills?

10 A Yes.

11 Q How are the GNETS student counts used to  
12 appropriate state funds?

13 A As I stated earlier, there are -- similar  
14 to our QBE program, there are direct instructional  
15 costs, such as teacher, parapro, operational, and  
16 then indirect costs, such as psychologists, social  
17 workers, those type expenditures. And then state  
18 health and the T&E, which are all proportioned of  
19 student counts. So each one of our regional GNETS,  
20 what I call fiscal agents, they have a student count  
21 average, which is the last three school years,  
22 ending of the school year counts from each of their  
23 GNETS schools.

24 Those counts are how they earn their  
25 funding. Really, it's how they earn their federal

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
37

1 and their state funds, but that's for the state  
2 portion. That's how they do. It's a ratio of you  
3 earn, say, one to every -- every one -- 6-1/2  
4 students equals one teacher, for an example.  
5 Depending on --

6 Q Do they --

7 A -- how many students they have.

8 Q I didn't mean to interrupt you. That's an  
9 example of what I asked you not to do, and I did it.

10 A That's okay. I was just saying that's an  
11 example of basically the more students they have,  
12 the more fund they're going to earn across those  
13 different categories.

14 And then it's the same for districts and  
15 for RESAs.

16 Q Thank you.

17 By districts, do you mean local education  
18 agencies?

19 A Yes. I'm sorry. LEAs.

20 Q And you mentioned that there are direct  
21 positions, like teachers, and indirects, like  
22 psychologists. How are things determined to be  
23 direct or indirect?

24 A That is -- I think it's direct classroom  
25 instructional. So I believe it's set up to say, you

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

38

1 know, a teacher and a parapro are directly in the  
2 class. You know, they're -- they call it -- it's  
3 not actually indirect on our formula sheet. It's  
4 called total supports. So you'll see direct  
5 supports, teacher, parapro, operations, and then  
6 total supports, which encompasses the remaining.

7 There may be some I'm missing. I don't  
8 have the spreadsheets, but that's the type of  
9 activity that there are.

10 Q Thank you.

11 I believe you said that the ratios are --  
12 that it's similar. Are the ratios of students to  
13 teachers and other personnel the same in a QBE  
14 formula as they are in the GNETS formula?

15 A I do not believe they are, no.

16 Q You do not believe that they are the same?

17 A No, they're not the same, no. They're --  
18 each QBE -- and it's not the same within QBE. QBE  
19 has 18 separate cost categories, which could be a  
20 mix and a match, which changes the funding formula.  
21 So each student in the QBE could have different  
22 funding for -- within QBE, I guess what I'm trying  
23 to say.

24 Q So does the GNETS formula match any  
25 combination of the QBE formula?

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

39

1 A No. Not, not directly, no.

2 Q And how are GNETS student counts used to  
3 appropriate federal funds?

4 A When you say appropriate -- so the way the  
5 calculation runs is there is that pot which we said  
6 was discretionary, which has been around 7 million  
7 for each year. Now, those 7 million, it's -- there  
8 is a -- what they call band, is how they disseminate  
9 that 7-1/2 million. So across all of the regional  
10 GNETS fiscal agents, they -- for instance, if they  
11 have less than 100 students, they have a minimum of  
12 250,000. And then it proportionately goes up from  
13 that to spread out the federal funds earning  
14 portion.

15 Now, what happens is when you calculate  
16 the amount that's needed to educate these students,  
17 which is the student counts that I talked about  
18 across those categories, teacher, you come up with a  
19 number, let's say it's 59 million. 7 million  
20 federal, 52 million state.

21 So it's the earnings piece doesn't matter  
22 if it's federal/state funding. It's just what  
23 bucket we drop it in. But that's -- they earn one  
24 amount and it's typically around 50, you know, 51,  
25 52 million state, and about 7 million federal.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

40

1 Q Who decided to use bands to disseminate  
2 the \$7 million across regional GNETS programs?

3 MS. JOHNSON: Object to form.

4 You can answer.

5 A I believe that was determined as a way to  
6 get to each GLRS fiscal agent based on their student  
7 counts, earn equitable share of the federal funds  
8 piece. And then -- but, as I said, each student  
9 count determines really how much the students are...

10 Q I hear what you said about how it was  
11 decided so that it would be equitable across GLRS  
12 fiscal agents. Who made that decision to  
13 disseminate the 7 million dollar funds using bands?

14 MS. JOHNSON: Object to form. Sorry.

15 I didn't mean to interrupt.

16 Object to form, but you can answer.

17 A I do -- in the Federal Programs, IDEA, the  
18 program makes those determinations.

19 Q And which program would that be?

20 A IDEA, Shaun Owens, Deputy Shaun Owens.

21 Q Okay. You mean the office in GaDOE that  
22 oversees federal grants?

23 A Yeah.

24 Q That's who would make the decision,  
25 someone from the --



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

41

1 A Correct.

2 Q We discussed before how -- to what extent  
3 the State of Georgia has the authority to decide how  
4 to spend the discretionary IDEA funds. Did the  
5 State of Georgia have similar processes for  
6 determining how to spend the administrative funds?

7 A Yes. I don't -- we can -- I believe the  
8 administrative funds is an up to amount as well. So  
9 if we don't utilize all those funding for in-house  
10 staff, we -- and we do send -- we can always send  
11 more out in the formula, but we can't take more in  
12 the admin or the discretionary pot.

13 So, yes, I mean any funding -- we try to  
14 utilize it all. So if we're not going to utilize --  
15 if we do not, staff members out per year, takes a  
16 while to hire somebody, that savings that we get in  
17 salary would most likely go back into the formula  
18 portion and send out to, to districts or LEAs and  
19 RESAs, whoever the regional -- or, I'm sorry.  
20 That's an IDEA. An IDEA would go out to the  
21 districts. LEAs.

22 Q So if there is an extra amount of money  
23 that GaDOE has not used from the IDEA administrative  
24 fund, it can then chose to send it out to districts;  
25 is that correct?

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
42

1           A       Yes. It can go -- it can choose to put it  
2 in the formula portion of the grant.

3           Q       And you also mentioned the third category  
4 of IDEA funding is state initiatives. Does the  
5 State of Georgia have similar leeway to determine  
6 how to spend money from the IDEA per state  
7 initiatives?

8           A       Well, I think state initiatives is  
9 discretionary. There's admin discretionary state  
10 initiative, and then there's the formula piece. So  
11 the discretionary, that was the one with regards to  
12 the grant award letter. You have to look in the  
13 grant award letter to see the detail.

14          Q       Thank you for that clarification.  
15                   How is the GNETS funding formula used to  
16 calculate the level of GNETS funding for a given  
17 year?

18          A       Okay. I guess the level of funding would  
19 be determined based on the student counts data. So  
20 if the GNETS, as we've seen, has a decline, there's  
21 going to be -- they're going to earn less money  
22 based on that teacher -- I can say they can have a  
23 decline and earn less money, but then if something  
24 like state health in '24 goes in, you're going to  
25 see a giant increase in GNETS formula. So it's all

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

43

1 about the attributes.

2 But if everything stays the same on  
3 insurance and teacher salaries, and if all of the  
4 different components stay the same, then the level  
5 of funding will be determined by the student counts.  
6 So if students leave the program, it's going to  
7 affect their level of funding.

8 Now, there is a built-in three-year  
9 average. So it's not, you know, a kid leaves and  
10 they lose all the funding associated with that. But  
11 that would adjust their funding.

12 It's all based off student counts.

13 Q Is it fair to say that state funds and  
14 federal funds are each part of the annual  
15 allocations to each regional GNETS Program upon the  
16 approval of the program's grant application?

17 A Yes.

18 Q And is the GNETS student count ranges used  
19 to determine the federal portion of the allocation?

20 A I'm sorry, say that again.

21 Q Sure. Is the GNETS student count ranges  
22 used to determine the federal portion of the  
23 allocation?

24 A Yes, the ranges are used for the federal  
25 portion by GLRS center, but not in the calculation

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

44

1 per student.

2 Q And is the GNETS funding formula used to  
3 calculate program earnings?

4 A Yes.

5 Q It is accurate to say that the formula  
6 used to calculate the program earnings and the  
7 amount of the state grant is the difference between  
8 the program earnings and the amount of federal  
9 funding?

10 A I believe -- I want to say yes. So the --  
11 the GNETS formula grant earnings less the State --  
12 or less the federal funds would equal the State  
13 appropriation.

14 Q And is that ever not the case?

15 A Not to my knowledge. It's -- well, um,  
16 take that back. Sorry. Apologies.

17 In the years where we had an austerity  
18 amount, that would have affected GNETS as well.

19 Q And can you tell us more about the  
20 austerity amount?

21 A Yes. When -- in the appropriations act,  
22 when they're passing our budgets, not at all times  
23 do we get all the revenues we're supposed to get.  
24 So the Governor has to recommend. Much with QBE,  
25 GNETS and our other formula earnings, there's not

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

45

1 enough funds to cover all those earnings. So what  
2 they do is they implement what we call austerity,  
3 which is a reduction to the earnings amount, which  
4 is proportionate across, to reduce that amount  
5 fairly across. So it's basically budget shortfalls,  
6 austerity.

7 Q Thank you. Is it correct that if the  
8 total of calculated program earnings under the  
9 formula is greater than the amount appropriated,  
10 that programs might not get the amount earned under  
11 the formula?

12 MS. JOHNSON: Object to form.

13 You can answer.

14 A I just want to -- can you say that one  
15 more time? I want to make sure I understand that  
16 right.

17 Q Sure. Is it correct that if the total of  
18 calculated program earnings under the formula is  
19 greater than the amount appropriated, that programs  
20 might not get the amount earned under the formula?

21 MS. JOHNSON: Object to form.

22 You can answer.

23 A Yes, that's correct.

24 Q And if this happens, are the state funds  
25 allocated to regional GNETS programs reduced

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
46

1 proportionately?

2 MS. JOHNSON: Object to form.

3 You can answer.

4 A Yes.

5 Q And would that also include the federal  
6 portion of the allocation?

7 MS. JOHNSON: Object to form.

8 You can answer.

9 A Not necessarily. We would -- austerity is  
10 strictly related to state funds.

11 Q I want to talk for a minute about the  
12 student count used to calculate earnings for the  
13 GNETS program at the State level and at the regional  
14 program level.

15 Is the GNETS student count the same as the  
16 FTE count used for earnings calculations in the  
17 general education setting?

18 A No.

19 Q And why not?

20 A I don't know the answer to why. I can  
21 tell you how they're different.

22 Q Sure.

23 A Okay. Yes. As I said in the QBE funding  
24 formula, it's separate -- it's different in regards  
25 to IDEA as well. But in QBE there's FTE counts,

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

47

1 October and March, and across -- so basically there  
2 would be -- a student is determined based on six  
3 segments, what we call six segments in a school day.  
4 So they could be a makeup of -- they could be half a  
5 period in kindergarten, or half a day in  
6 kindergarten, and spend the other half a day in  
7 maybe one of our special needs categories, which  
8 would earn them more funding.

9 So when they take these FTE counts, which  
10 are, like I said, reported in March and in October,  
11 then those -- and those are averaged as well. So we  
12 take the last three counts per district.

13 So that, that's used for FTEs for QBE.

14 Q And that's not GNETS students?

15 A Not for GNETS, no.

16 So the FTEs is based on, if I'm  
17 determining my next year, I'm going to use my last  
18 October count, my March count, and my October from  
19 the year prior. Those are going to determine my QBE  
20 earnings.

21 With regards to IDEA, they use the student  
22 counts but the student counts in that October data  
23 collection point, which is also separate from --

24 Q Sorry. Go ahead. I didn't mean to  
25 interrupt you.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
48

1           A       So IDEA uses that October, but it's  
2 student counts, not FTEs.

3                   GNETS utilizes the last three student  
4 counts from the end of the school year. So right  
5 now we would use -- we're in '23. We would use '22,  
6 '21, and '20 student counts. And what we do, we do  
7 a three-year average with 50 percent being placed on  
8 the most recent count.

9                   So it would be like 50 percent '22, 25  
10 percent '21, 25 percent '20.

11           Q       So you just described a different process  
12 for calculating students in general education and  
13 students in GNETS, correct?

14           A       Correct.

15           Q       Who decided to use different student  
16 counts for GNETS versus students in general  
17 education environment?

18                   MS. JOHNSON: Object to form.

19                   And I think that's outside the scope of  
20 the topics, but you can answer.

21           A       I don't know the answer who -- it's been  
22 like this since before I was here. Long time.

23           Q       So you testified the student count used  
24 for GNETS is the student three-year weighted  
25 average, correct?



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

49

1 A Correct.

2 Q And why is that used?

3 A I believe the -- I don't know the specific  
4 answer as to why that's done, other than it does  
5 allow the districts not to get -- it's kind of a  
6 hold harmless, what we call hold harmless built into  
7 the formula.

8 A lot of times some of those expenditures  
9 that are associated with the children have already  
10 been incurred or -- you know, such as building a new  
11 building or hiring a teacher. So we don't want to  
12 punish districts when a student leaves all at once.  
13 So it's -- the thought process is to lessen the blow  
14 by spreading it out over three counts. So if one  
15 student leaves, they don't lose all the funding  
16 right away. It's kind of spread out.

17 Q And do you know what office created this  
18 formula?

19 MS. JOHNSON: Object to form and outside  
20 the scope of the topics, but you can answer.

21 A I do not, no.

22 Q Is the count that some of all students  
23 receiving services in any of the GNETS centers or  
24 GNETS classrooms operated by a regional program?

25 A I'm not sure I understand that.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
50

1 Q So when we went over definitions, we  
2 discussed that there are 24 different regional GNETS  
3 programs, correct?

4 A Correct, yes.

5 Q And within those different regional  
6 programs there are both GNETS centers, where only  
7 GNETS students are educated, and also GNETS  
8 classrooms, which can be inside of a general  
9 education school. Is that correct?

10 A Yes.

11 Q And so my question is, is the count of  
12 GNETS students for a regional GNETS Program  
13 inclusive of services and provided in both GNETS  
14 centers and GNETS classrooms?

15 MS. JOHNSON: Object to form.

16 You can answer.

17 A I don't know, but I would assume yes,  
18 because it's funded at the higher, higher level. So  
19 it should be inclusive of them all. Funded for all  
20 the students included in the, the -- what I call  
21 fiscal agents of GNETS, which are districts and  
22 RESAs.

23 Q So assuming that the fiscal agents count  
24 students both in GNETS centers and GNETS classrooms,  
25 then the count would be the sum of all the students

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

51

1 in both GNETS centers and GNETS classrooms for that  
2 particular regional GNETS Program?

3 A Yes.

4 Q Did the student count include any students  
5 who are receiving GNETS services in a general  
6 education setting?

7 MS. JOHNSON: Object to form.

8 You can answer.

9 A I believe, I believe it could. I think  
10 when they, when they go into GNETS programs that  
11 pulled out of -- they should be pulled out of the  
12 FTEs and counted separately. But I guess there  
13 should be times in between. So in QBE, as I said,  
14 it's a three-count average based on the FTE. So  
15 those students could still be in those counts, and  
16 they would be until they kind of cycle off of the  
17 three-count average.

18 Q So, for example, if students who are  
19 transitioning out of GNETS, who then enroll in their  
20 general education school, could receive some  
21 transition services from the GNETS Program that they  
22 are exiting from. In that circumstance, where the  
23 child is enrolled in the general education school,  
24 would the student count cover -- count the student  
25 as being part of GNETS?

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
52

1           A       The student count for -- it would be --  
2       the student count of that year would include that  
3       student in GNETS because they were a student during  
4       that year, calendar year.

5                   When they transition to the new school, it  
6       would depend on the timing, if it was -- because  
7       they would be counted whether it's in March or  
8       October of once they started back in the general  
9       classroom school.

10          Q       And does the student count include any  
11       students whose teachers are being supported by GNETS  
12       personnel and providing services to the student?

13                   MS. JOHNSON: Object to form.

14                   You can answer.

15          A       I'm not sure I understand the -- the  
16       teachers in the GNETS Program? Could you say that  
17       again? I'm sorry.

18          Q       Sure. So another example is if a student  
19       has transitioned back to their general education  
20       school and they are now enrolled in the LEA, but  
21       their gen ed teacher receives some supports from the  
22       GNETS teacher who previously had that child. Would  
23       the student show up in the GNETS category or --  
24       count or in the LEA's count?

25                   MS. JOHNSON: Object to form.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
53

1                   You can answer.

2           A       Okay. So I guess it would, it would  
3 depend on when the student transitioned out. If  
4 they transitioned out at the end of the school year  
5 and then started the new school year in the genera  
6 classroom, for example, he would be counted on that  
7 calendar year's GNETS, and then he would be counted  
8 in the October FTE count for the general classroom.

9           Q       So if a child enrolls starting at the  
10 beginning of the school year in their general  
11 education classroom having formerly been in a GNETS  
12 Program, then they would show up in the LEA's count  
13 and not the GNETS' count for that time frame?

14          A       Yes. And if they left and then went back  
15 to GNETS, I guess, then they would be counted in  
16 both.

17          Q       And in that example that I just provided  
18 where the student has started a new school year in  
19 the general education environment and you stated  
20 that they would be counted for the LEA, would that  
21 remain true if the GNETS Program was providing --  
22 sending supports to the general environment to help  
23 the child with transition?

24                   MS. JOHNSON: Object to form.

25                   You can answer.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

54

1           A       I'm not sure I understand. I don't  
2 understand that. Can you repeat that?

3           Q       Sure. So I believe you testified just now  
4 that if a child starts a new school year in a gen ed  
5 environment, even if they were the previous year in  
6 GNETS, if they're enrolled in a new -- if they are  
7 now enrolled in the gen ed environment, they would  
8 be counted towards the LEA of that gen ed  
9 environment, correct?

10          A       They would be counted that next October,  
11 but the funding -- they wouldn't earn the funding  
12 until the following year because it's a three-count  
13 cycle that that -- that funding. So '20 -- calendar  
14 year '23, the October count would be used in the  
15 amended -- that count would affect the amended  
16 budget. So they wouldn't earn it until, say, March  
17 of the next year.

18          Q       I understand the different buffers that  
19 exist to separate the count versus when the money is  
20 actually provided, but as far as the count, if the  
21 child is enrolled in October in the gen ed  
22 environment, they would be counted towards the gen  
23 ed environment and not GNETS?

24          A       Yes.

25          Q       And did that --

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

55

1 A It would be counted from that year --

2 Q Sorry. Go ahead.

3 A I'm sorry. I was just saying, they would  
4 be counted. If a student is enrolled in general  
5 classroom in October, then they would be counted in  
6 the general classroom in October for that, for that  
7 district.

8 Q Thank you.

9 Does that remain true if GNETS is sending  
10 additional services to the gen ed environment to  
11 help the child transition?

12 MS. JOHNSON: Object to form.

13 You can answer.

14 A I'm not -- that's I think out of the scope  
15 of my -- I'm not aware of that, if they're sending  
16 -- so if a kid -- I think what you're asking me, if  
17 a student goes back to a general classroom but  
18 they're still getting GNETS services?

19 Q Yes. They're still getting GNETS support.

20 A Yeah, I'm not aware of that.

21 Q Okay. Thank you.

22 And what about an example where a student  
23 has never been enrolled in GNETS but is receiving  
24 support from a GNETS teacher?

25 MS. JOHNSON: Object to form.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

56

1                   You can answer.

2           A       I'm not -- from a funding perspective, I  
3 wouldn't, I wouldn't be able to answer, if they're  
4 not in a GNETS -- if they're not in the GNETS  
5 program and the student counts and they're not  
6 earning funds in GNETS, I wouldn't be able to speak  
7 to whether or not the teachers are also still doing  
8 services.

9           Q       And are you able to speak to how that  
10 child would be counted if they're not in GNETS but  
11 receives supports from a GNETS teacher?

12          A       I'm not, I'm not aware if that occurs, or  
13 can occur, I guess, is my understanding.

14                   If, if they do not get counted in the  
15 student counts, they're not earning funds. If  
16 they're -- I wouldn't expect they should be in the  
17 counts if the teacher is provided services, if the  
18 GNETS Program is providing services.

19          Q       Is it accurate to say GNETS services  
20 provided to students in a general education setting  
21 or supports provided to their teachers not funded  
22 through -- is not funded through the GNETS funding  
23 formula?

24                   MS. JOHNSON: Object to form.

25                   You can answer.



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

57

1 A I have to get that one again.

2 Q Sure.

3 A Please. Sorry.

4 Q So any GNETS services provided to students  
5 in general education settings or supports provided  
6 to general education teachers are not funded through  
7 the GNETS funding formula?

8 MS. JOHNSON: Object to form.

9 You can answer.

10 A I believe -- so what I'm hearing is if  
11 they provide services to the general education, then  
12 they would not be funded?

13 Q That is the question. Is that correct?

14 A Correct.

15 Q Thank you.

16 A My understanding, yes.

17 Q Does the State receive federal finds to  
18 supplement the instruction of students with special  
19 needs?

20 A Yes.

21 Q And how is the amount the State receives  
22 determined?

23 A Their special needs, the IDEA portion, I  
24 believe it's based on the application and the  
25 student -- how much we're awarded, and then how much

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
58

1 is, you know, disseminated through the discretionary  
2 pot and the formula pot.

3 Is that answering the question?

4 Q Yeah. So just to be clear, I want to be  
5 clear on my end.

6 You said, yes, that the State does receive  
7 federal funds to supplement the instruction of  
8 students with special education needs. Is it  
9 correct that those are the IDEA funds?

10 A Yes.

11 Q And those IDEA funds generally are  
12 allocated to LEAs to provide supplemental  
13 educational services to students within the  
14 districts, correct?

15 A Yes.

16 Q And are some of the State's IDEA funds  
17 designated for the GNETS Program?

18 MS. JOHNSON: Object to form.

19 You can answer.

20 A Yes.

21 Q In what way is it designated, are the  
22 funds designated to the GNETS Program?

23 A Within IDEA and the discretionary state  
24 initiative pot, they -- there's a portion that is  
25 designated directly as GNETS funding.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

59

1 Q How is it determined how much of the  
2 State's IDEA funds are designated for the GNETS  
3 Program?

4 A I don't know how they originally came up  
5 with the calculation, but it's based on the student  
6 counts and along with the application, and then what  
7 I said, like the supplanting concerns. With based  
8 on the federal funding that we're getting now, we're  
9 going to utilize the max that we can without  
10 supplanting, which is the portion that the federal  
11 funds pay of the GNETS Program earnings.

12 Q For the record, can you specify what you  
13 mean when you refer to supplementing and not  
14 supplanting funds?

15 A Yeah. What you're -- supplementing versus  
16 supplant basically says that if I am contributing a  
17 certain amount of federal funds, I cannot -- because  
18 state funds -- because I want to -- if I'm doing 10  
19 percent and 90 percent state funds, I cannot go in  
20 there and say -- this year I can't go in there and  
21 supplant because I don't have enough state funds. I  
22 can't go in there and say let me do 20 percent  
23 federal, 80 percent state. That would be considered  
24 supplanting.

25 Q If a student is still in the general

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

60

1 education setting as of the October count, and then  
2 is referred to GNETS and spends, let's say, the  
3 second semester at a regional GNETS center, how is  
4 that student counted for FTA -- FTE and for GNETS  
5 count purposes?

6 A He would be included in the count for  
7 GNETS at the end of the calendar year, and he would  
8 be included -- if he's in the classroom in October  
9 when they do the FTE count, he would be included on  
10 the October FTE count; and then if he left, he would  
11 not be included on the following March count. Or  
12 should not be.

13 Q And how are IDEA funds for a special  
14 student allocated between the LEA and the GNETS  
15 program?

16 MS. JOHNSON: Object to form.

17 You can answer.

18 A The IDEA funds -- we, we send the GNETS  
19 programs, or regional -- we send the IDEA portion of  
20 the funds to them, not to the -- it doesn't go  
21 through a district and then through a GNETS.

22 If the district is the GNETS coordinator,  
23 then they would get that -- they would earn funds  
24 and we would send it directly to them.

25 But we send all the IDEA federal

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

61

1 discretionary funds, that is sent straight to the  
2 GNETS centers, or coordinators. Regionals.

3 Q Is it sent directly to the GNETS programs,  
4 or directly to the fiscal agents for the GNETS  
5 programs?

6 A Fiscal agents. The districts and RESAs.

7 Q Thank you. So specifically for the  
8 example that we just discussed where a student is in  
9 a general education environment in October, so  
10 counted towards the October count for the LEA, but  
11 then goes to a GNETS Program, let's say, at the end  
12 of October. So they're counted towards the annual  
13 count for GNETS. How are the IDEA funds for that  
14 student allocated between the LEA versus the GNETS  
15 Program?

16 MS. ROSS: Object to form.

17 You can answer.

18 A Well, they would earn -- so you got three,  
19 three different earnings there. So you got the  
20 earnings with QBE, which would be -- they would earn  
21 their portion of that count. So they would probably  
22 -- it would depend. They would earn for the October  
23 however much that put towards whether or not they  
24 were there the prior March and the following March.  
25 So they would earn QBE based on that.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
62

1           They would earn IDEA funding for the  
2 students based on the student count in that October  
3 count.

4           And then they would earn -- they should  
5 earn for that calendar year, school year, they  
6 should earn GNETS funding because the student is  
7 enrolled in the GNETS Program.

8           Q     Thank you.

9           If this student remains in a GNETS center  
10 for the whole school year, how are IDEA funds  
11 allocated between LEA and the GNETS Program?

12          A     If they're in the GNETS the entire school  
13 year, then they would earn -- the GNETS Program  
14 would earn -- sorry.

15                Can you say that one more time?

16          Q     Sure. If a student remains --

17          A     I want to make sure --

18          Q     Sorry. Go ahead. What is that?

19          A     I just want to make sure we're talking  
20 about GNETS and not IDEA?

21          Q     Yes, we're talking about GNETS, and I also  
22 just want to flag that we are really going to start  
23 to frustrate our court reporter if we talk over one  
24 another. So I'll do a better job.

25                If a student remains in GNETS center for a

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
63

1 whole school year, how are IDEA funds allocated  
2 between the LEA and the GNETS Program?

3 A We would send them directly to the center.  
4 I mean we would send them to the district. If they  
5 were the fiscal agent, we would send it to the RESA,  
6 the IDEA funds.

7 Q If the RESA is the fiscal agent?

8 A Yes.

9 Q Just to be clear for the record, every  
10 time you say you would send the funds directly to  
11 the GNETS Program, do you mean that you would send  
12 it directly to the fiscal agent for the GNETS  
13 program?

14 A Yes. Because what happens is -- I'll just  
15 clarify.

16 When I say send, it means they -- we don't  
17 technically -- well, we do send it, but they have to  
18 request the draw. So they would, they would go into  
19 our system. They have to submit a budget. So each  
20 of those fiscal agents would submit a budget for  
21 that year. They would get it approved by the  
22 program. Then it would go into what we call our  
23 grants accounting system.

24 They would have the ability then to go in  
25 there and draw those funds throughout the year. To

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

64

1 clarify that.

2 Q If a student is served at a regional GNETS  
3 Program site for an entire year, does the student's  
4 LEA still receive any IDEA funding for that student?

5 A I do not know. They should, but I don't  
6 know.

7 Q I want to show you what has previously  
8 been marked as Plaintiff's Exhibit 966.

9 This is Defendant's Objections and  
10 Responses to Plaintiff's First Requests For  
11 Admission.

12 (WHEREUPON, Plaintiff's Exhibit-966 was  
13 marked for identification.)

14 MS. CHEVRIER: Give my colleague a moment  
15 to pull it up.

16 No. Sorry. This is the wrong document.

17 What we're looking for is the GNETS  
18 Defendant's Objections and Responses to  
19 Plaintiff's First Requests For Admissions,  
20 which has previously been marked Exhibit 966.

21 BY MS. GARDNER:

22 Q Thank you for your patience.

23 Excellent.

24 Mr. Roam, are you able to see the  
25 document?



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
65

1 A Yes, I am.

2 Q And you should have the ability to  
3 manipulate the document.

4 Do you see this document is titled  
5 "Defendant's Objections and Responses to Plaintiff's  
6 First Requests For Admission"?

7 A Yes.

8 Q Did you participate in the preparation of  
9 some responses for this document?

10 A No, I don't believe I did.

11 Q Let's look at Request 39. If you can  
12 scroll to that, I appreciate it.

13 (Discussion ensued off the record.)

14 A 39, right?

15 Q Yes. There it is.

16 A Back.

17 Q Do you see that Request No. 39 asks:  
18 "Admit that GaDOE has instructed, for purposes of  
19 the FTE student count, that a student who is served  
20 in GNETS be reported by the LEA encompassing their  
21 place of residence"?

22 A Yes, I see that.

23 Q And the State responded by reference to  
24 GaDOE Regulation 160-5-1-.03. Correct?

25 A I'm sorry, I'm not -- where is that

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

66

1 number?

2 Q Sorry. GaDOE's response is under the  
3 heading that says "Response" right there, and one of  
4 GaDOE's responses was -- they responded in a number  
5 of different ways, but one of those responses at the  
6 bottom was a reference to GaDOE Regulation  
7 160-5-1-.03.

8 Is that correct?

9 A Yeah, 160-5-1-.03. Yes.

10 Q Are you familiar with that regulation?

11 A I'm reading it. I am. I'm not sure I  
12 understand that but...

13 Q I'm sorry, what don't you understand?

14 A Subject -- just trying to -- so what are  
15 they trying -- trying to figure out what they're  
16 saying.

17 Q I'm going to give you a moment to read it  
18 to yourself, so I'm not interrupting you while  
19 you're reading.

20 A I'm looking at the whole thing then.

21 (Witness reviews exhibit.)

22 A Okay. Yes, I'm reading that.

23 I'm good now.

24 Q So you agree that in their response GaDOE  
25 referenced regulation 160-5-1-.03?

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

67

1 A Yes, I agree they reference that.

2 Q Are you familiar with that regulation?

3 A No, I'm not.

4 Q Is there a requirement that an LEA  
5 contribute funds to a regional GNETS program based  
6 on the number of its students who are served there?

7 A In my understanding, no, they're not.

8 Q So it's correct that there is not a  
9 requirement to provide for an LEA to contribute  
10 funds to a regional GNETS Program based on its  
11 students that it sends there?

12 A Yeah, it's my understanding that there's  
13 not.

14 Q Do you know whether there are any  
15 voluntary contributions that are provided?

16 A I believe some LEAs do contribute to, but  
17 I guess that would be on a case-by-case basis.

18 Q Are you familiar with the requirement that  
19 IDEA funds must be used to supplement state, local,  
20 and other federal finds and not to supplant those  
21 funds?

22 A Say that one more time.

23 Q Sure. I believe this is what we've been  
24 discussing previously.

25 Are you familiar with the requirement that

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

68

1 IDEA funds must be used to supplement state, local,  
2 and other federal funds and not used to supplant  
3 those funds?

4 A Yes, I'm aware of that.

5 Q And are you familiar with the related  
6 concept that IDEA recipients must demonstrate a  
7 maintenance of effort to establish that the federal  
8 funds are not supplanting local funds?

9 A Yes.

10 Q Are school districts required therefore to  
11 contribute funds to be eligible for IDEA funds?

12 MS. JOHNSON: Object to form.

13 You can answer.

14 A It's my understanding they're required to  
15 meet a maintenance, maintenance factor, but I didn't  
16 prepare for that, that question. Sorry.

17 Q Do LEAs in fact contribute local 5 mill  
18 share funds as a condition to receiving QBE funds?

19 A Yes.

20 Q Is there any similar requirement that  
21 fiscal agents contribute local funds as a condition  
22 to receiving GNETS funding?

23 A No. My understanding, they do not have a  
24 say in local funds.

25 THE COURT REPORTER: I'm sorry. You're

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
69

1 fading out.

2 BY MS. CHEVRIER:

3 Q I'm going to ask that question again, and  
4 then can you answer it again, Mr. Roam?

5 A Yes.

6 Q Is there any similar requirement that  
7 fiscal agents contribute local funds as a condition  
8 to receiving GNETS funds?

9 A No.

10 Q So a school district that receives IDEA  
11 funds for a student with emotional or behavioral  
12 disabilities continues to receive those funds even  
13 if the student is being served at a regional GNETS  
14 Program?

15 MS. JOHNSON: Object to form.

16 You can answer.

17 A Yes, I guess that could occur.

18 Q And the school district is not required to  
19 make any contribution of those funds to the regional  
20 GNETS Program?

21 A Correct, yes.

22 Q Are you familiar with the Medicaid-based  
23 concept that money follows the person to ensure that  
24 an individual's funded services should be available  
25 wherever the person receives the services?

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

70

1 MS. JOHNSON: I'm going to object. This  
2 is outside the scope of the topic, but you can  
3 answer.

4 A I'm not aware of that.

5 Q Sorry to do this. I'm going to ask you to  
6 scroll to Request for Admission 64, but you can also  
7 search, which might save time.

8 (Discussion ensued off the record.)

9 A Which question did you say? Which number?  
10 Went too far.

11 Q You have it?

12 A I went too far, sorry. There it is.

13 Q No worries. Thank you for doing the  
14 scrolling work.

15 The United States requested that the State  
16 of Georgia, quote: "Admit that QBE funding  
17 allocated to an LEA for a given student is not  
18 transferred to the regional GNETS program if that  
19 student is served in a regional GNETS program,"  
20 correct?

21 A Correct.

22 Q The State responded, quote: "The State  
23 denies any inference that children receiving GNETS  
24 services never benefit from QBE funding allocated to  
25 their LEA, and that the per student funds differ

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

71

1 between GNETS funding and QBE funding." Correct?

2 A Correct.

3 Q Do you understand what the statement when  
4 it said the per student funds differ between student  
5 -- between GNETS funding and QBE funding?

6 MS. JOHNSON: Object to form and this is  
7 outside the scope of the topics, but you can  
8 answer.

9 A Okay if I read this?

10 (Witness reviews exhibit.)

11 A Okay.

12 Q Can you explain the State's denial that,  
13 quote, "the per student funds differ between GNETS  
14 funding and QBE funding"?

15 MS. JOHNSON: Object to form in this is  
16 outside the scope of the topics.

17 But you can answer.

18 A I'm reading this as the State denies any  
19 inference that the children receiving GNETS services  
20 never benefit from QBE funding allocated to their  
21 LEA. I think what it's saying is we can't say  
22 whether or not we do or not. The LEA can be  
23 contributing funds or not. I mean there is no  
24 requirement that they do. But they could be.

25 Q If a local school district elects not to

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
72

1 participate in GNETS, are they eligible to receive a  
2 portion of the GNETS funding that would otherwise be  
3 allocated to a regional program that would serve  
4 those students?

5 MS. JOHNSON: Object to form.

6 You can answer.

7 A So you're saying are they eligible for  
8 GNETS funding without participating in the GNETS  
9 program?

10 Q Correct.

11 A I do not believe they are. They would  
12 earn QBE funding for those students.

13 Q But we've already established that the QBE  
14 funding is different than the GNETS funding per  
15 student; is that correct?

16 A Not the exact same, but it would depend on  
17 the FTE segments and cost categories associated with  
18 that student.

19 Q So if a child were to be educated in the  
20 local education agency because the local education  
21 agency does not participate in a GNETS program, that  
22 student would receive funding based on the standard  
23 QBE formula for students in an LEA, correct?

24 A Correct.

25 Q And that student would not receive the



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

73

1 funding through -- that's typically provided to  
2 GNETS programs?

3 A Correct.

4 Q Does the State of Georgia or GaDOE provide  
5 funding to RESAs?

6 A Yes.

7 Q And is that funding from the state or  
8 federal IDEA funds?

9 A With regard to the GNETS Program?

10 Q With regard to funding for RESAs.

11 A RESAs? RESAs receive funding, state and  
12 federal funds.

13 Q Can you describe the processes for  
14 determining the amount of finding provided to RESAs?

15 A Yes, I can. So there's multitude of  
16 different pots that RESAs can have funding from. So  
17 there's the normal RESA state appropriation, which  
18 is based on their formula calculations based on  
19 their FTE or they're funded for certain personnel,  
20 and that makes up the majority of their state funds.

21 They get GNETS funding, which is made  
22 up -- as we said, if they're a GNETS fiscal agent,  
23 the fiscal agent, then they are getting GNETS  
24 earnings based on the student counts, which is also  
25 made up of state and federal funds.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

74

1           And then they earn additional IDEA  
2 funding. They earn whether -- it would depend on  
3 what program that they're administering. They may  
4 earn some of our ESSA funding for doing specific --  
5 in one of our programs, they may, with their --  
6 especially in the rural areas, they may be doing  
7 some work for the Department of Education across any  
8 of our multiple programs. So they could be granted  
9 both out-of-state federal funds out of those pots.

10           So it would really depend on what grant  
11 ward they were receiving money, but they receive  
12 both federal and state, from the Department of  
13 Education, us, Georgia Department of Education.

14           Q     I think we already started to address  
15 this, but what are the intended uses for funding for  
16 RESAs?

17           A     The State is intended to assist the local  
18 education agencies in educating the children in  
19 their, in their areas. And the same for each  
20 program, could be different. It would depend on  
21 what the program requirements of that were. That we  
22 give the funds in GNETS, it's intended to educate  
23 the GNETS students.

24           Q     To what extent do RESAs have discretion to  
25 use the funds for other purposes?

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

75

1 MS. JOHNSON: Object to form.

2 You can answer.

3 A As I said, it's pretty -- it would depend  
4 on what grant and how that grant award was -- should  
5 specify their scope of work and their deliverables.  
6 With regards to GNETS, they have to submit budgets.  
7 They have to get those budgets approved.

8 It's an earnings. So it's not like  
9 they're submitting invoices and getting reimbursed,  
10 but they have to provide to the program managers  
11 here at the Department of Education their intended  
12 use of these funds and it has to be an allowable  
13 cost, with regards to GNETS.

14 Q You just testified that what is  
15 specifically stated in the grant award would dictate  
16 how the RESAs have discretion to use the funds?

17 A It could depend on what program was  
18 sending the RESAs money. So this is not the case  
19 with -- I don't think they to an award for GNETS.  
20 What they do, they submit a budget on our app part,  
21 one of our systems, that specifies how they plan to  
22 spend these funds. But they could get an award,  
23 say, from our ESSA, rural education division. They  
24 could be -- they could be contracting with them --  
25 could be a grant award or they can do a contract

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

76

1 with them to provide certain services for the LEA,  
2 and that should be dictated in that award or  
3 contract as to how those funds should be spent.

4 Q Do RESAs use these funds to support  
5 instruction or services in LEAs?

6 MS. JOHNSON: Object to form.

7 You can answer.

8 A They -- depending on the -- which funding  
9 we're talking about, yes. So funding should be used  
10 in the district -- the local LEA, through the  
11 system, yes.

12 Q What funds are those that are used in the  
13 local LEAs?

14 A You're saying -- so like in GNETS, they  
15 would use them for the students that encompass their  
16 area, which it could encompass federal, local and  
17 education agencies. With the state funds, they  
18 should be providing services to their local  
19 education districts.

20 And with regards to other pots of money,  
21 it would depend on what the specific -- what they're  
22 specifically required to do as part of that contract  
23 or grant. If it's, say, you know, assisting with  
24 financial reporting, as an example, in a rural --  
25 several rural districts, then we would expect them

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

77

1 to specifically help those rural districts in their,  
2 in their area as part of that contract.

3 Q And do RESAs use these funds to support  
4 instruction or services in regional GNETS programs?

5 MS. JOHNSON: Object to form.

6 You can answer.

7 A They would use the GNETS funding, yes.

8 Q Do RESAs use these funds to support  
9 Georgia Learning Resources Systems, or GLRS?

10 MS. JOHNSON: Object to form.

11 You can answer.

12 A Yes, they get funding for GLRS.

13 Q And can you describe GLRS?

14 A That is -- I'm not an expert on GLRS,  
15 other than the funding. Sorry.

16 Q Do you know whether GLRS staff provide  
17 training and support to GNETS personnel?

18 MS. JOHNSON: Object to form and outside  
19 the scope of the topics, but you can answer.

20 A I'm not aware that's how it's -- it may  
21 be, but I'm not aware.

22 Q Can you explain the effect, if any, on  
23 funding when a RESA or LEA is a fiscal agent for a  
24 regional GNETS program?

25 A Yes. There's no -- we do not treat them

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

78

1 differently if they're a RESA or if they're a local  
2 district. Their funding is determined based on  
3 their student counts within the GNETS Program.

4 Q Can you explain the effect, if any, on the  
5 funding when a RESA or an LEA is the fiscal agent  
6 for a GLRS network?

7 MS. JOHNSON: Object to form and outside  
8 the topics, but you can answer.

9 A Yeah, I'm not, I'm not aware of that.

10 Q Do you know whether some RESA or LEAs are  
11 fiscal agents for both a GNETS Program and the GLRS  
12 network?

13 MS. JOHNSON: Same objection.

14 A I believe they are, but I would have to  
15 double-check. I can double-check. I could look at  
16 the GLRS allocations and the GNETS allocations to  
17 confirm.

18 Q If an LEA or a RESA was the fiscal agent  
19 for both the GNETS Program and a GLRS network, would  
20 they be entitled to the one percent administrative  
21 fee for handling the funds in both cases?

22 MS. JOHNSON: Object to form, and outside  
23 the scope of the topics, but you can answer.

24 A Yeah, I'm not aware of the one percent,  
25 I'm not aware of that calculation. And that's not

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

79

1 included in GNETS, I know that. They would earn it  
2 based on counts. There is no one percent additional  
3 funding, that I'm aware of.

4 Q How is it determined whether training is  
5 funded out GNETS funds or GLRS funds?

6 MS. JOHNSON: Object to form and outside  
7 the scope of the topics, but you can answer.

8 A Training -- I guess if they're providing  
9 it in the G -- the GNETS is an earnings. We run the  
10 GNETS Program.

11 GLRS, we have -- it has its own set of  
12 deliverables, about what they are supposed to report  
13 back as far as the trainings performed or what-not.  
14 So I believe that would be how they would, would  
15 monitor that.

16 Does that answer your question?

17 Q Sure. Are you aware of any efforts by the  
18 State to review the cost-effectiveness of the GNETS  
19 Program?

20 A I am not aware of any.

21 Q Is that something that as a data person  
22 you would consider important to an appropriate  
23 evaluation of a program?

24 MS. JOHNSON: Objection; outside the scope  
25 of the topics. And he's speaking on behalf of

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

80

1 the State, so his personal consideration is not  
2 relevant.

3 But you can answer.

4 A Can you rephrase that then?

5 Q Sure. You previously -- you just  
6 testified you are not aware of any efforts by the  
7 State to review the cost-effectiveness of the GNETS  
8 program; is that right?

9 A Correct. I'm not aware of that.

10 Q In looking into the cost-effectiveness of  
11 a program as a data person, something that you would  
12 consider appropriate -- consider important to an  
13 appropriate evaluation of a program?

14 MS. JOHNSON: Same objection.

15 You can answer.

16 A I, I do not consider that my  
17 responsibility. I think that's more of a -- across  
18 the street.

19 Our responsibility is to provide the  
20 funding to the districts and the GNETS based on how  
21 the laws are written, and that's what we -- that's  
22 what we focus on.

23 Q Have you ever been asked to provide data  
24 for someone who is conducting an analysis of the  
25 cost-effectiveness of the GNETS program?



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

81

1 MS. JOHNSON: Object to form and outside  
2 the scope of the topics, but you can answer.

3 A No, I am not.

4 Q Hopefully we can easily scroll now to the  
5 RFA request 127.

6 Please let me know when you're there.

7 A 127?

8 Q Yes. Perfect.

9 A Okay.

10 Q Thank you.

11 The United States asked the State of  
12 Georgia to admit that it, quote: "Has not produced  
13 documents identifying, summarizing, or describing  
14 the comparative costs of services and supports  
15 provided to students with disabilities within the  
16 GNETS Program and in general education settings."

17 Is that correct?

18 A Yes.

19 Q The State made a number of objectives and  
20 answered that, quote, the defendant denied the  
21 request.

22 Is that correct?

23 The last --

24 A Defendant, yes, that's correct.

25 Q Do you know on what basis the State denied

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

82

1 this request?

2 MS. ROSS: Object to form and outside the  
3 scope of the topics, but you can answer.

4 A I'm not aware of why this was denied.

5 Q So you are not able to identify any  
6 document that identified, summarized, or described  
7 the comparative costs of services and supports  
8 provided to GNETS -- to students with disabilities  
9 within the GNETS Program and in general education  
10 settings?

11 MS. JOHNSON: Object to form.

12 You can answer.

13 A Yeah, no, I am not aware of any. I have  
14 not seen any reports that do comparisons.

15 Q To your knowledge, do any such comparisons  
16 exist?

17 MS. JOHNSON: Object to form.

18 You can answer.

19 A I am not aware of any. They could have,  
20 some of the budget offices, but I have not seen any.

21 Q This is an easy scroll request. Right  
22 below, let's discuss Request for Admissions 128.

23 A Okay.

24 Q In request 128 the United States asked the  
25 State of Georgia to admit that it, quote: "Has not

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

83

1 produced documents identifying, summarizing, or  
2 describing GaDOE's monitoring of aggregated and  
3 disaggregated GNETS Program data to determine  
4 cost-effectiveness across programs." Correct?

5 A Correct.

6 Q Do you understand the meaning of the term  
7 "cost effectiveness" in this context?

8 A I believe so. Well, I think it is whether  
9 or not we're getting bang for our bucks with GNETS.

10 Q So --

11 A That's how I --

12 Q Do you understand the term "GNETS Program  
13 data" in this context?

14 A Yes.

15 Q And what would it include?

16 A I'm guessing to me it would include GNETS  
17 Program data, which would be an analysis of the  
18 GNETS programs. Has to do with how much they earn,  
19 what they spent their money on, and I would assume  
20 some type of educational or another goal that they  
21 had, that they were -- something to judge it  
22 against.

23 Q Thank you. Sorry, I didn't mean to cut  
24 you off. Was there anything else?

25 A Oh, no, that's it.

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

84

1 Q Do you understand the term "monitoring" in  
2 this context?

3 A Yes.

4 MS. JOHNSON: Object to form.

5 You can answer.

6 A Yes.

7 Q And what does it mean in this context?

8 A In this context to me it would mean that  
9 we at the Department of Education was monitoring  
10 these programs that we have or may not have. We  
11 would be monitoring them to see if they are  
12 cost-effective.

13 Q Thank you.

14 The State made a number of objections and  
15 answered that, quote: "Defendant denies the  
16 request." Is that correct?

17 A Correct.

18 Q Do you know what the basis for this denial  
19 is?

20 MS. JOHNSON: Object to form; outside the  
21 scope of the topics but you can answer.

22 A I do not know.

23 Q To your knowledge, does the State monitor  
24 GNETS Program data aggregated or disaggregated to  
25 determine cost-effectiveness?

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

85

1 A To my knowledge, we do not.

2 Q Are you familiar with the 2010 audit of  
3 the GNETS Program conducted by the Georgia  
4 Department of Audits and Accounts?

5 A I heard of it, but I'm not -- I was -- I  
6 heard of it, yes.

7 Q I'd like to show you what has previously  
8 been marked as Plaintiff's Exhibit 601. It is Bates  
9 No. US0005211.

10 Once it's up, this will be the 2010 Audit  
11 of the GNETS program conducted by the Georgia  
12 Department of Audits and Accounts.

13 (WHEREUPON, Plaintiff's Exhibit-601 was  
14 marked for identification.)

15 BY MS. CHEVRIER:

16 Q This is a formerly marked document, so the  
17 scan -- so we'll have to look closely.

18 Do you see on the first page, on the  
19 left-hand side, where it says, "Why we did this  
20 review"?

21 It's in the gray box.

22 A Yes.

23 Q Do you see where it says, "This audit was  
24 conducted," quote, "to ensure that GaDOE is being a  
25 good steward of the state and federal funds

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
86

1 appropriated for the operation of the GNETS  
2 program"?

3 A Yes.

4 Q Do you see where the findings of the audit  
5 were summarized in the introduction as follows, and  
6 if you scroll up a little.

7 A Sorry.

8 Q No worries. Do you see the heading where  
9 it says "What we found"?

10 A Yes.

11 Q Directly under that do you see where it  
12 says, quote: "Currently, the Georgia Department of  
13 Education (GaDOE) cannot demonstrate that the  
14 services provided to the students in the Georgia  
15 Network for Educational and Therapeutic Support  
16 (GNETS) Program have resulted in improvements to  
17 behavior or academic performance. Given the  
18 vulnerability of the population it serves and the  
19 amount of state resources expended, GaDOE has an  
20 increased need for accountability to ensure that all  
21 GNETS programs have an on-going system for  
22 documenting effectiveness and program improvement"?

23 A Yes, I see that.

24 Q Have you heard this finding before?

25 A Um, I do not recollect. I mean I believe

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

87

1 I may have been on the meeting. I wasn't directly  
2 -- this is a performance audit. My area is more in  
3 the financial audits.

4 Q To your knowledge, has the State taken any  
5 steps toward improving accountability, as described  
6 in the State's Department of Audits and Accounts?

7 MS. JOHNSON: Object to form and outside  
8 the scope of the topic.

9 You can answer.

10 A I'm not aware of any.

11 Q Can we scroll to what is Bates No.  
12 US0005227?

13 A A separate document?

14 Q No. Sorry. It's the same document.

15 On the bottom right-hand side there's a  
16 Bates number. So we basically added Bates numbers,  
17 and I'm going to scroll to where the last four  
18 digits are 5277.

19 MS. JOHNSON: That number right there.

20 Scroll to get to 5277.

21 THE WITNESS: Got you.

22 Q That's the page.

23 A Okay.

24 Q Do you see where it says that "there is no  
25 assurance that GNETS is a cost-effective placement

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

88

1 for providing these services"?

2 A Yes, I see that.

3 Q Do you see where it says that its failure  
4 follows both from the lack of data on successful  
5 outcomes and from the absence of, quote, "complete  
6 information relating to GNETS total expenditures,  
7 including local contributions and other leveraged  
8 resources"?

9 A Yes, I see that.

10 Q Do you see under the heading -- oh, let's  
11 -- sorry. Continue scrolling down to where the last  
12 four digits of the Bates number of 5235.

13 That's the correct page.

14 Do you see where it says: "GaDOE does not  
15 collect sufficient data to determine whether the  
16 GNETS Program is cost-effective"?

17 A Yes.

18 Q And do you see where it says: "GaDOE  
19 needs complete information on expenditures, data on  
20 the number of students diverted from higher cost  
21 placements, and a method for assessing student  
22 outcomes from these placements?"

23 A Yes, I see that.

24 Q Has GaDOE developed a system for  
25 collecting this data and calculating



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

89

1 cost-effectiveness, as described by the audit team?

2 A I'm not aware of any.

3 Q Thank you.

4 MS. CHEVRIER: Can we take a brief couple  
5 minute pause off the record?

6 THE VIDEOGRAPHER: Hearing no objecting,  
7 we're off the record at 1:40 p.m.

8 (A recess was taken.)

9 THE VIDEOGRAPHER: We are back on the  
10 record, 1:44 p.m.

11 Proceed.

12 MS. CHEVRIER: Thank you so much for your  
13 testimony, Mr. Roam. That's all from us.

14 MS. JOHNSON: No questions on behalf of  
15 the State. So you are finished.

16 THE VIDEOGRAPHER: We'll go off the  
17 record, if there's nothing else, at 1:44 p.m.

18 (Whereupon, the deposition concluded at  
19 1:44 p.m.)  
20  
21  
22  
23  
24  
25

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023  
90

C E R T I F I C A T E

STATE OF GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing transcript of RUSK ROAM, JR. 30(b)(6) was taken down, as stated in the caption, and the questions and answers thereto were reduced by stenographic means under my direction;

That the foregoing Pages 1 through 89 represent a true and correct transcript of the evidence given upon said hearing;

And I further certify that I am not of kin or counsel to the parties in this case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of March, 2023.

*Wanda L. Robinson*

---

Wanda L. Robinson, CRR, CCR No. B-1973  
My Commission Expires 10/11/2023

RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

91

D I S C L O S U R E

STATE OF GEORGIA ) 3/06/23 VIDEOTAPE DEPOSITION OF  
FULTON COUNTY ) RUSK ROAM, JR. 30(b)(6)

Pursuant to Article 10.B of the Rules and  
Regulations of the Board of Court Reporting  
of the Judicial Council of Georgia, I make the  
following disclosure:

I am a Georgia certified court reporter.  
I am here as a representative of Esquire Deposition  
Solutions, LLC, and Esquire Deposition Solutions,  
LLC was contacted by the offices of U.S. Attorney's  
Office to provide court reporter services for this  
deposition. Esquire Deposition Solutions, LLC will  
not be taking this deposition under any contract  
that is prohibited by O.C.G.A. 9-11-28 (c).

Esquire Deposition Solutions, LLC has no  
contract/agreement to provide court reporter  
services with any party to the case, or any counsel  
in the case, or any reporter or reporting agency  
from whom a referral might have been made to cover  
this deposition.

Esquire Deposition Solutions, LLC will  
charge the usual and customary rates to all parties  
in the case, and a financial discount will not be  
given to any party to this litigation.



RUSK ROAM, JR. 30b6  
UNITED STATES vs STATE OF GEORGIA

March 06, 2023

93

## 1 CERTIFICATE OF DEPONENT

2  
3 I hereby certify that I have read and examined  
4 the foregoing transcript, and the same is a true and  
5 accurate record of the testimony given by me. Any  
6 additions or corrections that I feel are necessary,  
7 I will attach on a separate sheet of paper to the  
8 original transcript.

9  
10 \_\_\_\_\_  
11 Signature of Deponent  
12

13 I hereby certify that the individual  
14 representing himself/herself to be the above-named  
15 individual, appeared before me this \_\_\_\_\_ day of  
16 \_\_\_\_\_, 2023. and executed the above  
17 certificate in my presence.

18  
19  
20 \_\_\_\_\_  
21 NOTARY PUBLIC  
22

23 MY COMMISSION EXPIRES:  
24  
25